

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division
In Admiralty**

In the Matter of COEYMANS MARINE
TOWING, LLC D/B/A CARVER MARINE
TOWING as Owner and Operator of M/T
Mackenzie Rose, (IMO No. 8968765), *et al.*

Civil Action No. 2:24-cv-00490-MSD-LRL

**NORFOLK AND PORTSMOUTH BELT LINE RAILROAD COMPANY AND
EVANSTON INSURANCE COMPANY’S JOINT MOTION TO COMPEL
INSPECTION OF THE M/T MACKENZIE ROSE AND FOR SANCTIONS**

COMES NOW Norfolk and Portsmouth Belt Line Railroad Company (“Belt Line”) and Evanston Insurance Company (“Evanston”), by and through undersigned counsel, pursuant to Fed. R. Civ. P. 34 and 37 and Local Rules 7 and 37 of the Eastern District of Virginia, and hereby move this Court for prompt entry of an Order compelling Coeymans Marine Towing, LLC d/b/a Carver Marine Towing to allow inspection of the M/T Mackenzie Rose. Belt Line and Evanston contemporaneously filed a Memorandum in support of this Motion.

Belt Line and Evanston requested the opportunity to inspect the M/T Mackenzie Rose at the outset of discovery. Carver made the vessel available in their Charleston, SC port, with less than 24 hours’ notice, on May 9, 2025. Severe weather caused the cancellation of flight transporting Belt Line’s and Evanston’s marine tug expert. Carver assured Belt Line and Evanston for months that the tug would be made available for inspection. On July 11, 2025, Carver advised they did not consent to the inspection of the M/T Mackenzie Rose. Belt Line and Evanston now seek relief.

Pursuant to Local Rule 37(B), given the upcoming deadline to complete expert discovery by August 26, 2025, the Belt Line and Evanston request expedited briefing, with Carver’s

opposition brief due in **7 days** instead of 14 days. The Belt Line and Evanston waive their reply, do not request oral arguments, and request that the Court rule promptly on the motion.

WHEREFORE, for the reasons above and as more fully set forth in the accompanying brief, the Belt Line and Evanston respectfully requests that this Court enter an Order:

1. Compelling Carver produce the M/T Mackenzie Rose for inspection within 10 days;
2. In the alternative, prohibiting Carver from introducing any rebuttal liability expert testimony; and
3. Granting the Belt Line and Evanston all other just relief, including their attorneys' fees associated with this motion.

This 15th day of July 2025.

s/Zachary M. Jett

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of July 2025 a true and correct copy of the forgoing *Norfolk and Portsmouth Belt Line Railroad Company and Evanston Insurance Company's Motion to Compel Inspection of the M/T Mackenzie Rose and for Sanctions* has been filed through the Court's CM/ECF electronic filing system, which will automatically delivery electronic notification of the same to the following counsel of record:

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I further certify that on this 15th day of July 2025 a true and correct copy of the forgoing *Norfolk and Portsmouth Belt Line Railroad Company and Evanston Insurance Company's Motion to Compel Inspection of the M/T Mackenzie Rose and for Sanctions* has been served upon the following by electronic mail and by placing a copy in the United States Mail, postage pre-paid, to:

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